

Mail Stop Interference
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Paper ~~49~~
Filed: 24 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM A. **SEITZ**, ROBERT E. GARFIELD,
ALEXANDRU T. BALABAN, AND RANDALL J. STEWART,
Junior Party
(U.S. Patents 6,103,275 and 7,048,951),

v.

NIGEL **BENJAMIN**, HAMISH DOUGALL,
AND ANTHONY ORMEROD
Senior Party
(U.S. Application 10/701,295).

Patent Interference No. 105,687 (MPT).
(Technology Center 1600)

Before SALLY GARDNER LANE, SALLY C. MEDLEY and
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

Tierney, *Administrative Patent Judge*.

Judgment - Request for Adverse - Bd.R. 127(b)

1 Junior Party Seitz filed a Notification of Common Ownership, which
2 notified the Board that Nioxx, LLC, the assignee of Seitz's patents now
3 owns both the Seitz patents and the involved Benjamin application.
4 (Paper 42). The Board issued an Order to Show Cause requiring Seitz
5 (Nioxx) to explain why this interference should be maintained. (Paper 43).
6 Seitz's response to the Order requests that:

7 (1) Adverse judgment be entered against the involved Seitz '951
8 patent; and

9 (2) Adverse judgment be entered against the involved Benjamin
10 application claims, claims 28, 30 and 31.

11 (Paper 45, 1:1-4).

12 Seitz's request for entry of adverse judgment is GRANTED.

13 Accordingly, it is:

14 **ORDERED** that judgment as to the subject matter of Count 2
15 (Paper 25 at 2) is entered against Seitz, U.S. Patent 7,048,951 and Benjamin,
16 U.S. Application 10/701,295.

17 **FURTHER ORDERED** that Benjamin's involved claims 28,
18 30 and 31 are FINALLY REFUSED, 35 U.S.C. § 135(a);

19 **FURTHER ORDERED** that Seitz's involved '951 claims 1-35
20 are CANCELLED, 35 U.S.C. § 135(a);

21 **FURTHER ORDERED** that the parties shall note the
22 requirements of 35 U.S.C. § 135(c) and Bd. R. 205; and

1 **FURTHER ORDERED** that a copy of this judgment be
2 entered in the administrative records of the involved Benjamin application
3 and Seitz's '275 and '951 patents.

cc (via electronic mail)

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